

1982 WL 189386 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 30, 1982

\*1 The Honorable John W. Dodge  
Superintendent of Education  
Hampton County Department of Education  
Hampton, South Carolina 29924

Dear Mr. Dodge:

Thank you for your letter of July 19, 1982 regarding the opinion of this office as to the affect of the Hampton County Board of Education's attempted rescision of an order of consolidation. Pursuant to [§ 59-17-50 of the Code of Laws of South Carolina \(1976\)](#), on June 23, 1982, the Hampton County Board of Education approved an order consolidating the two school districts in that county. This order was then filed with the State Board of Education and clerk of court pursuant to § 59-17-60. Subsequently, on June 30, 1982, the County Board acted to rescind the consolidation order. You have questioned the format and endorsements on this order.

As of this time, this office would prefer to postpone answering the questions you have raised until after the Justice Department completes its review of Act 549, Acts and Joint Resolutions of South Carolina, 1982, pursuant to [42 U.S.C. § 1973](#), *et seq.*, of the Voting Rights Act. This law was signed by the governor on April 9, 1982, and pursuant to its terms, Hampton County voters, in a referendum held in May, 1982, approved of the abolition of the Hampton County Board of Education and the devolution of its duties upon the two Hampton County School Districts. I am enclosing a copy of a letter dated today from me to Dr. Charlie G. Williams, Superintendent of Education, expressing the opinion of this office that the implementation of Act 549 is stayed pending the Justice Department review. Because the consolidation order also has been submitted for review to the Justice Department under [42 U.S.C. § 1973](#), it too cannot be implemented, if at all, until after the review is completed. Thus, its operation is stayed as of this time also. Because the Justice Department review may affect the question you have raised including the additional question of the affect of Act 549 on the order of consolidation, these matters can be better considered after Justice reaches a decision.

If we may be of further assistance, please let us know.

Yours very truly,

J. Emory Smith, Jr.  
Assistant Attorney General

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